

Interview Summary	Application No.	Applicant(s)	
	09/803,996	SEKIHATA ET AL.	
	Examiner	Art Unit	
	James A. Kramer	3693	

All participants (applicant, applicant's representative, PTO personnel):

(1) James A. Kramer. (3) _____

(2) Luminita A. Todor. (4) _____

Date of Interview: 3/7/07.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.
If Yes, brief description: proposed response.

Claim(s) discussed: 1.

Identification of prior art discussed: epixtech and Google Printout.

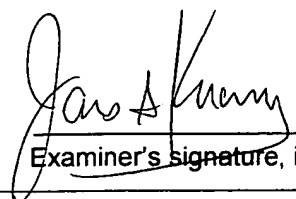
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the prior art with respect to independent claim 1. Reviewed inventive concept and discussed possible arguments for overcoming the prior art and advancing prosecution. As a result of this interview the Examiner has a much better understanding of the inventive concept and the distinctions between this concept and the prior art. These points will be considered upon filing of a formal response.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 3/7/07
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Proposed Arguments

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 6, and 8-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Epixtech in view of JP 11-110441 to Saito et al. (hereinafter "Saito") and Google Groups Printout.

The outstanding Office Action mailed November 6, 2006 repeats verbatim the rejections put forth in the Office Action mailed March 13, 2006. Independent claims 1 and 12 were amended in the response filed on August 14, 2006. The Advisory Action issued on September 6, 2006 indicated that the response filed on August 14 is not entered because the claim amendments require further search and examination. However, the verbatim rejections in the outstanding Office Action show that the claim amendments were not considered. Therefore, Applicant respectfully requests reconsideration of the claim rejections in view of the amended claim language.

Specifically, claim 1 patentably distinguishes over the cited prior art at least by reciting "said book stock information management means registers an information whether the book is collated or not to said book stock information based on said ordering information and said collation information", and that "said loan reserving means registers a book in said book stock information management means as a loan reserved and unavailable book when the requested book is not yet delivered".

Claim 12 patentably distinguishes over the cited prior art at least by reciting

"registering an ordered book in book stock information as a loan reserved book when a request for loan reserving is entered, wherein, when a loan of a book is conducted between different libraries, said managing loan information enables a predetermined library to modify the loan information of another library, information whether the book is collated or not to said book stock information is registered based on said ordering information and said collation information, and a book is registered in said book stock information management means as a loan reserved and unavailable book when the requested book is not yet delivered."

In the response filed on August 14, Applicants also argued that the cited prior art fails to teach "loan reserving means capable of reserving a book that is ordered but not yet delivered." Particularly, Applicant asserted that Google Groups Printout teachings, which are relied upon as teaching the above-recited feature, fail to disclose the loan reserving means because therein the user has to login into the library system to put a certain book on hold. In the "Response to Arguments" section of the outstanding Office Action, it is submitted that the Applicant's characterization of the reference (i.e. Google Groups Printout) is correct but argued that it is not incompatible with the claim language. Applicant respectfully submits that lack of incompatibility is not the same as disclosing a positively recited feature. Google Groups Printout discloses noting like "loan reserving means capable of reserving a book that is ordered but not yet delivered."

Proposed Arguments

Google Groups Printout discloses that the operation positively recited in claim 1 relative to the loan reciting means can be performed IF (and only if) another operation (logging into a library system) is performed. Therefore, Applicant respectfully submits that the cited reference is improperly used to reject claim 1.

The dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional patentable features. Separate and individual consideration of the dependent claims is respectfully requested. For example, the outstanding Office Action presents no arguments in support of rejecting claim 9. Relative to claims 6 and 10, Examiner's official notices are put forth instead of arguments to support of the claim rejections. The Applicant respectfully traverses the Official Notices and demands authority for the statements. The Applicant specifically points out the following errors in the Office Action.

First, the Office Action uses common knowledge as the principal evidence for the rejections. As explained in M.P.E.P. § 2144.03(E):

Any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed facts are not considered to be common knowledge or well-known in the art. In this case, the limitation are not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, these limitations are unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the assertions. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, it appears that the rejections are based, at least in part, on personal knowledge. 37 C.F.R. § 1.104(d)(2) requires such assertions to be supported with an affidavit when called for by the Applicant. Thus, Applicant calls for support for the assertions with an affidavit.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epixtech in view of Saito and Google as applied to claim 1 above, and further in view of U.S. Patent No. 6,078,897 to Rubin et al. ("Rubin"). Rubin which relates to a method and apparatus for optimizing orders for goods or services to increase a discount, fails to add anything that would remedy the aforementioned deficiencies of the combination of Epixtech, Saito, and the Google Groups Printout. Accordingly, favorable reconsideration and withdrawal of the rejection of dependent claim 7 under 35 U.S.C. §103 is respectfully requested.